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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,519	06/11/2001	Heather Noel Bean	10011715	4258

7590 10/18/2005

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EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/878,519

Applicant(s)

BEAN ET AL.

Examiner

Nhan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6-13 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-13 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 3, 4, 6-13 & 16-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8, 9, 11, 13, 16 & 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamimura Tokio (JP 2000-125165).

Regarding claim 8, Tokio discloses an elapsed time apparatus capable of adding an elapsed time to a digital image generated by a digital image capturing device (e.g., a digital camera, Figs. 1 & 4), comprising:

an elapsed time counter (219) that is reset in response to a first image capture (see Figs. 4 & 8, abstract and [0068]-[0072], wherein the counter is reset when a first live view image in the stopwatch mode is enabled on the display D11);

a memory (memory card 8) capable of storing a plurality of digital images and further capable of storing at least one elapsed time value (see [0064]); and a processor (211)

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communicating with said counter (219) and said memory (8) and starting said elapsed time counter upon said first image capture (the first live view image), reading an elapsed time value (i.e., 0:20:00) from said elapsed time counter upon a second image capture (a second image captured as shown in D12 in Fig. 8), and adding said elapsed time value to a second digital image captured during said second image capture. See [0068]-[0072].

Regarding claim 9, it is clear in Tokio that the user can select or deselect an elapsed time mode (the stopwatch mode is selected by pushing button 16), and wherein the memory (8) stores an elapsed time value for each digital image captured during the elapsed time mode (see [0068]-[0072]).

Regarding claim 11, also disclosed is that the memory (8) stores the elapsed time value in each elapsed time storage associated (image tag) with the digital image (see [0064]).

Regarding claim 13, Tokio discloses a computer-implemented elapsed time generation method for an image capturing device (see the analysis of claim 8 and Fig. 4, wherein the digital camera is operated under control of CPU 211 representing computer-implemented elapsed time generation, see [0081] for program flowchart), comprising the steps of:

generating, in a counter of said image capturing device, an elapsed time value representing an elapsed time between an event that causes the image capturing device to capture a first image (i.e., a first live view image in stopwatch mode) and an event that causes the image

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capturing device to capture a second image (when shutter button 9 is pushed, see Fig. 8 and [0068]-[0072]);

adding said elapsed time value to said second image, wherein the step of generating the elapsed time value comprises: resetting said counter (when the first live image is captured in stopwatch mode) in response to the event that causes said image capturing device to capture the first image, and reading a time value (i.e., 00:20:00 as shown in D12 in Fig. 8) from said counter in response to the event that causes said image capturing device to capture said second image. See [0068]-[0072].

Regarding claims 16 & 19, see the analyses of claims 9 & 11, respectively.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 6, 7, 10, 12, 17, 18 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamimura Tokio (JP 2000-125165) in view of Hatakenaka et al (US 6,563,542 B1).

Regarding claim 1, Tokio discloses an elapsed time apparatus capable of adding an elapsed time to a digital image generated by a digital image capturing device (e.g., a digital camera, Figs. 1 & 4), comprising:

a counter (219) capable of measuring an elapsed time between a first image (i.e., a first live view image in stopwatch mode shown in Fig. 8) and a second image capture (see Figs. 4 & 8, [0068]-[0072], wherein a second image is captured at an elapsed time 00:20:00 or 00:25:01);

a memory (memory card 8) that stores a plurality of digital images and a plurality of different elapsed time values, wherein each elapsed time is associated with a digital image (see [0064] and [0068]-[0072]);

a processor (211) communicating with said counter (219) and said memory (8) and obtaining an elapsed time value from said counter upon said second image capture and storing said obtained elapsed time value in said memory ([0064] & [0070]).

Tokio also discloses at least one user input device (user's control buttons shown in Figs. 1 & 2) provided on the digital camera. However, Tokio does not explicitly teach that the user selects at least one of the plurality of elapsed time values stored in said memory and instruct the processor to add the selected elapsed time value to the digital image with which the selected elapsed time value is associated.

Hatakenaka teaches a manual mode for adding one of a plurality of times/dates selected from a memory into a captured digital image by switching an operation button to a reconstruction mode (11). According to Hatakenaka, the user is allowed to manually select and to instruct a processor (10) to add the selected time into the captured image (see Hatakenaka, Figs. 6 & 7, col. 5, line 45 – col. 6, line 22).

Therefore, it would have been obvious to one of ordinary skill in the art to implement the teachings of Hatakenaka into the digital camera of Tokio to enable the user to select one of a plurality of elapsed time values stored in the memory and to add the elapsed time value into the digital image in a manual mode, thereby a digital camera with good operability is realized as suggested by Hatakenaka (col. 2, lines 5-8 and col. 2, lines 45-48).

Regarding claims 3 & 4, see the analyses of claims 8 & 9, respectively.

Regarding claim 6, see the analysis of claim 11.

Regarding claim 7, Tokio discloses that the associated elapsed time value is stored in the memory card 8 as an image tag of each digital image. Tokio does not clearly teach that the adding step overwrites the elapsed time value onto a portion of the digital image stored in the memory. As taught by Hatakenaka, it is common in the art that related date and time of a digital image associates or **superimposes** (overwrites) onto a portion (i.e., at bottom or corner) of the digital image stored in a memory for printing as a permanent timestamp (see Hatakenaka, Fig. 7 and col. 5, line 45 – col. 6, line 30 and col. 8, lines 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art to configure the digital camera in Tokio to overwrite the elapsed time value onto a portion of the stored digital image for printing as a permanent timestamp which would be highly desirable for a track race or a sport event.

Regarding claim 10, see the analysis of claim 1.

Regarding claims 12 & 20, see the analysis of claim 7.

Regarding claim 17, see the analyses of claims 1 & 8, wherein the second image is captured at 00:20:00 in Fig. 8 of Tokio.

Regarding claim 18, the combined teachings of Tokio and Hatakenaka as analyzed in claim 1 teaches that the adding step further comprising the steps of: storing said elapsed time value; accepting a user input that selects an elapsed time value addition for said second image (captured at 00:20:00 shown in Fig. 8 in Tokio); and adding said elapsed time value to said second image (see Tokio, [0064], [0068]-[0072] and Hatakenaka, col. 5, line 45 – col. 6, line 21).

### *Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.

  
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SUPERVISORY PATENT  
EXAMINER